

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MATTHEW K. ERISMAN,  
Petitioner

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v

Civil Action No. DKC-16-2094

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MARYLAND PAROLE COMMISSION,  
Respondent

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**MEMORANDUM**

The court is in receipt of correspondence from Matthew K. Erisman, which has been construed as a petition for mandamus relief. ECF No. 1. Erisman seeks an order directing the Maryland Parole Commission to release the transcript or audio recording of his parole hearing held on April 12, 2016. ECF No. 1. Erisman indicates that the Commissioner of the Maryland Parole Commission has denied his request, indicating that the request is against Parole Commission policy. *Id.* Erisman contends that the Maryland Parole Commission is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. For the reasons that follow, the petition must be dismissed.

Because Petitioner seeks to compel a certain action by the state and/or its agents, the court concludes that the present matter is in the nature of a writ of mandamus. *See* 28 U.S.C. § 1361. Federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over state employees and cannot compel the Maryland Parole Commission to provide Petitioner a copy of his hearing transcript. *Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 586-87 (4th Cir. 1969). Therefore, Petitioner's request for mandamus relief shall be denied.

To the extent that Petitioner is raising a claim under FOIA, he has failed to state a cognizable claim. FOIA provides a mechanism for citizens to obtain documents from **federal agencies**, and grants the federal district courts jurisdiction to review agency compliance with those requests. The Maryland Parole Commission is not a federal agency subject to the provisions of FOIA.

To the extent that Petitioner may have a cause of action under Maryland's Public Information Act, he must pursue that claim in the appropriate state forum. *See* Md. Code Ann., Gen. Provis. § 4-101, *et seq.*

A separate Order follows.

June 23, 2016  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
DEBORAH K. CHASANOW  
United States District Judge